

EXHIBIT 30

Excerpt from Testimony of E.W. Kronquist, March 1928

No. E-125

U. S. District Court, Nevada

The United States
Plaintiff.

vs.
Walker River Irrig. Dist. et al
Defendant.

Vol. Testimony taken before
Special Master

FILED Dec. 26 19 30

E. O. Patterson
Clerk.

By O. E. Benham
Deputy Clerk.

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MERITT, EDGAR E.	45			
PLAINTIFF'S EXHIBITS				
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" 2.	28			
" 3.	32			
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" 5.	34			
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1 IN THE DISTRICT COURT OF THE UNITED STATES,
2 IN AND FOR THE DISTRICT OF NEVADA.

3
4 -----X
5 UNITED STATES OF AMERICA, :
6 PLAINTIFF. :
7
8 -VS- : No. C-125.
9 WALKER RIVER IRRIGATION DISTRICT, :
10 A CORPORATION, ET AL, DEFENDANTS. :
11 -----X

12 BE IT REMEMBERED, that the above-entitled action
13 came on regularly before HON. B. F. CURLER, Special Master
14 in Chancery, on Wednesday, the 21st day of March, A.D., 1928,
15 at the hour of ten o'clock A. M., of said day, at the City
16 Hall, in the City of Reno, County of Washoe, State of Nevada.

17 Counsel for the respective parties were present, as
18 hereinafter noted.

19 J. Lozano, Court Reporter, was also present, and
20 thereupon the following proceedings were had, to wit:

21 MR. HARWOOD. I would suggest that the Master make a
22 statement of the date of your appointment, the notices that
23 you gave, and the appearances, those represented here, before
24 we start.

25 THE MASTER. You want this matter reported, do you not ?

26 MR. HARWOOD. Oh, yes. After you do that, I think I
27 would like to ask some questions and possibly suggest an
28 arrangement about the Reporter's compensation.

THE MASTER. Gentlemen, this is the case of the United

1 States of America, plaintiff, vs. the Walker River Irrigation
2 District, a Corporation, et al, defendants.

3 As probably you all know, I have been appointed Master
4 in Chancery to take the evidence in this case and to report
5 the same to the Court; also with recommendations as to the
6 form of findings and decree to be entered in this matter.

7 I have sent notice to all of the attorneys in the
8 matter, that is, all that I had any notice of to the effect
9 that at the present time I would set this matter down formally
10 for the taking of testimony in the case.

11 Now, as to my engagements, I haven't any that will
12 conflict at all with the hearing of this matter and the
13 taking of testimony, not at the present time, and probably
14 not until some time in May. So I am ready to proceed at
15 any time that suits the convenience of the attorneys in the
16 case.

17 MR. HARWOOD. Suppose we take the appearances: Mr.
18 Ethelbert Ward and myself for the plaintiff.

19 THE MASTER. And the attorneys representing the defendants,
20 as they have been given to me, the first ones on the list
21 were Hoyt & Norcross. I spoke to Mr. Norcross and he said
22 that Mr. Kearney had been substituted for him; is that right,
23 Mr. Kearney?

24 MR. KEARNEY. Yes.

25 THE MASTER. And you represent whom, Mr. Kearney?

26 MR. KEARNEY. I represent the Walker River Irrigation
27 District and a large number of other individual defendants
28 whose answers appear, without stating them here individually;

1 TESTIMONY

2 OF

3 ELVIN W. KRONQUIST, who, being called and sworn as a witness
4 on behalf of the plaintiff, testified as follows, to wit:

5 ---oOo---

6 DIRECT EXAMINATION.

7 ---oOo---

8 MR. HARWOOD. (Q). Give us your name, please?

9 A. Elvin W. Kronquist.

10 Q. Where do you live?

11 A. I live at Schurz, Nevada.

12 Q. How long have you lived there?

13 A. Lived there for nine years, except a period of eight
14 months I was gone.

15 Q. How long have you lived in the Walker River country?

16 A. I have lived off and on since 1910.

17 Q. What position do you hold?

18 A. I am foreman in charge of the Walker River and Pyramid
19 Lake Irrigation project.

20 Q. In the United States Indian Service?

21 A. United States Indian Irrigation Service.

22 Q. Then you do actually have charge of the irrigation on
23 the Walker River Indian Reservation, do you?

24 A. I do.

25 Q. Have you held that same position or had substantially
26 the same duties since you first went there?

27 A. No, the first two years I was there I was employed
28 under Mr. Beemer, who was Engineer at that time.

1 1915?

2 A. I think he made this report for the Reclamation Service.

3 Q. For the Reclamation Service?

4 A. Yes.

5 Q. I will ask you whether or not it is a fact or is not
6 a fact that he reported a duty of two acre feet per acre
7 at the land was sufficient to irrigate the lands of the
8 Walker River Indian Reservation?

9 A. I think that is correct.

10 Q. You said something about a reservoir site situated
11 above Campbell Valley, the upper end of Campbell Valley?

12 A. Yes.

13 Q. What is the capacity of that reservoir site?

14 MR. HARWOOD. I object to it as immaterial and irrelev-
15 ant, not proper cross examination.

16 MR. KEARNEY. He referred to it.

17 MR. HARWOOD. Well, it was mentioned as descriptive of
18 something. It is immaterial as to the capacity of the
19 reservoir. Has nothing to do with this case.

20 THE MASTER. I will allow the question subject to the
21 objection.

22 MR. KEARNEY. (Q). What is the capacity of the reservoir
23 site, you termed it the Rio Vista site, I believe.

24 A. Yes. The estimated capacity of the Rio Vista is
25 30,000 acre feet.

26 Q. Is that a feasible reservoir site? Can it be constructed
27 at a feasible cost?

28 MR. HARWOOD. I object on the same ground, it is

1 irrelevant, immaterial and improper cross examination.

2 MR. KEARNEY. I submit that it is all a part of the
3 general examination that was opened up -- the project as
4 a whole.

5 THE MASTER. I will make the same ruling with respect
6 to that. I confess, Mr. Kearney, I do not see the material-
7 ity of it.

8 MR. KEARNEY. I think with reference to this 10,000 acres
9 of land that I can make it very clear to the Court that that
10 is merely so many figures unless this reservoir is taken
11 into consideration. That there is not available water
12 in the natural flow of the river to even think of irrigating
13 this irrigable area without constructing that reservoir.

14 MR. HARWOOD. If you can show that we might possibly be
15 impressed, but the question of the reservoir has nothing
16 to do with this case at all. We are asking for the flow of
17 this river and claiming the reservation of the water in the
18 river, whether we use it in the reservoir or use it on the
19 lands is something that is left entirely to the discretion of
20 the government. What it has to do with the issues in this
21 case I fail to see.

22 MR. KEARNEY. It appears to me, if the Court please,
23 that at the present time they have put in a map, Exhibit
24 No. 10, showing a net area of irrigable land in the Reser-
25 vation of 10,000 acres. Now, we cross examined with refer-
26 ence to the irrigability of that land and I propose to
27 ascertain whether or not they are just figures, or whether
28 it is a proposal or can be irrigated from the natural flow

1 of the river, and if so, how much they put in on the flow of
2 the river, what is the estimated flow. I think it can be
3 conceded, if not we will prove it, that there is not suffic-
4 ient for 10,000 acres of land without the construction of
5 the Rio Vista reservoir, or some other reservoir. So if
6 it is not material, then we will strike it -- move to strike
7 out everything from the direct examination over and above
8 what is at least conceded, or what they could prove is
9 arrigable from the natural flow of the river. It does not
10 seem to me that this area of land has any material bearing
11 in this case at all, unless it is taken in connection with
12 this reservoir.

13 MR. HARWOOD. Well, that is a part of their case and not
14 a part of the cross examination about something we did not
15 go into at all. This Rio Vista dam site was mentioned in
16 a descriptive way, as a place. Its capacity as a reservoir,
17 or possible use as a reservoir was not brought out in the
18 direct examination, and has nothing to do with the issues in
19 this case whatever.

20 MR. KEAPNEY. My theory has been this: He has asked
21 for the water supply, and he has testified to it. I expect
22 to enlarge upon that. I am just laying the whole thing in
23 advance.

24 THE MASTER. I will allow the question at the present
25 time subject to the objection. We will determine later on
26 the materiality of this testimony. Of course, it is hardly
27 cross examination but it will probably save time.

28 (The reporter read the question.)